

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1232

Introduced by

Representatives Monson, Headland, Kilichowski

Senators Miller, Olafson, Dotzenrod

1 A BILL for an Act to amend and reenact sections 24-06-28 and 24-06-29 of the North Dakota
2 Century Code, relating to obstructions and traffic safety hazards on section line roads.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 24-06-28 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **24-06-28. Obstruction of section lines prohibited - Exception - Certain fences not**
7 **considered obstructions - Obstructions and traffic safety hazards - Penalty.**

8 1. A person may not place or cause to be placed any permanent obstruction, ~~stone, tree~~
9 ~~or portion of a tree, or rubbish~~ within the vertical plane of thirty-three feet [10.06
10 meters] of any section line or within the right of way of any highway, ~~or place or cause~~
11 ~~to be placed upon the section line or highway road surface any traffic safety hazard or~~
12 ~~accumulated snow or mud that creates a traffic safety hazard~~, unless written
13 permission is first secured from the board of county commissioners or the board of
14 township supervisors, as ~~the case may be~~ appropriate. The permission must be
15 granted where the section line has been closed pursuant to section 24-07-03 or where
16 the topography of the land along the section line is such that in the opinion of the
17 board of county commissioners or board of township supervisors, as the case may be,
18 the construction of a road on the section line is impracticable.

19 2. A person may not place or cause to be placed any obstruction or traffic safety hazard
20 within the vertical plane of thirty-three feet [10.06 meters] of any section line or within
21 the right of way of any highway, unless written permission is first secured from the
22 board of county commissioners or board of township supervisors, as appropriate.

23 3. Subsection 1 may not be construed to prohibit construction of fences:

- 1 a. Along or across section lines which have been closed pursuant to section
2 24-07-03 or which have not been opened because construction of a road is
3 impracticable due to the topography of the land along the section line, but such
4 fences are subject to removal as provided in section 24-06-30.
- 5 b. Across section lines which have not been closed pursuant to section 24-07-03 if
6 cattle guards are provided in accordance with chapter 24-10 where fences cross
7 the section lines.

8 ~~3.4.~~ The construction of fences pursuant to subsection ~~23~~ may not be considered an
9 obstruction of section lines and any person who damages any fence or who opens and
10 fails to close any gate constructed under subsection ~~23~~ is guilty of an infraction.

11 **SECTION 2. AMENDMENT.** Section 24-06-29 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **24-06-29. Removal of permanent obstructions ~~when section lines opened~~ - Removal**
14 **of obstructions and traffic safety hazards - Cost.**

15 1. If a person places or causes to be placed a ~~an obstruction, stone, tree or portion of a~~
16 ~~tree, or rubbish~~ permanent obstruction within the vertical plane of thirty-three feet
17 [10.06 meters] of any section line or within the right of way of any highway, ~~or places~~
18 ~~or causes to be placed upon the section line or highway road surface any traffic safety~~
19 ~~hazard or accumulated snow or mud that creates a traffic safety hazard~~, the board of
20 county commissioners or board of township supervisors, as ~~the case may~~
21 ~~be~~ appropriate, when a public highway is opened, shall notify the owners of adjacent
22 property to remove the ~~obstruction, stone, tree or portion of a tree, or rubbish or the~~
23 ~~traffic safety hazard~~ permanent obstruction. Written notice by registered mail to the
24 record owner of the adjacent property mailed to the owner's last-known address and to
25 any other persons in possession of the property constitutes valid notice. If the owners
26 fail to remove the ~~obstruction, stone, tree or portion of a tree, or rubbish~~ permanent
27 obstruction within thirty days after the notice is mailed ~~or to remove the traffic safety~~
28 ~~hazard as soon as practical after the notice is received~~, the board of county
29 commissioners or the board of township supervisors, as ~~the case may be~~ appropriate,
30 shall remove the ~~obstruction, stone, tree or portion of a tree, or rubbish or material that~~
31 ~~creates a traffic safety hazard~~ permanent obstruction. The cost of removal must be

1 entered the same as taxes against the adjacent property and paid in the same manner
2 as taxes.

3 2. If a person places or causes to be placed an obstruction or traffic safety hazard within
4 the vertical plane of thirty-three feet [10.06 meters] of any section line or within the
5 right of way of any highway road surface, the board of county commissioners or board
6 of township supervisors, as appropriate, shall issue a written order to the person who
7 caused the obstruction or traffic safety hazard to be placed there to remove the
8 obstruction or traffic safety hazard. If the person notified fails to remove the obstruction
9 or traffic safety hazard as soon as practical after the notice is received, the board of
10 county commissioners or board of township supervisors, as appropriate, shall remove
11 the obstruction or traffic safety hazard. The person responsible for placement of the
12 obstruction or traffic safety hazard is responsible and may be billed for any costs
13 incurred by the county or township for removal of the obstruction or traffic safety
14 hazard.